

RESPONSE/REMARKS

Pursuant to the request in paragraph 3 of the Office Action, Applicants herewith submit the drawing page which was inadvertently not submitted with the original application. Applicants state for the record that no new matter is added by the submission of this drawing.

In response to paragraph 4 of the Office Action, Applicants have reviewed the Specification and will make the modifications to the Specification with regard to the trademarks listed, and submit substitute pages or a substitute specification, as necessary.

The Examiner has rejected the claims as allegedly obvious over WO 97/43052 ("Rodrigues") in light of US 6,539,325 ("Numata") which describes the use of a spectrophotometer and the use of measured colorimetric data for bank searching a suitable color formulation for a repair coating. Applicants respectfully traverse this rejection for the reasons set forth below.

As a first matter, the Examiner has made an erroneous assumption with regard to color matching. The Examiner erroneously assumes that choosing separate coatings layers which will match the vehicle is the same or would suggest the selection of a combination of primer **plus** topcoat which **jointly** matches the color of the original coating.

Rodrigues describes a system for selecting a suitable primer once the top coat has already been selected. It does not disclose or suggest selecting a combination of primer plus top coat which jointly matches the color of the original paint on the car to be repaired. More particularly, Rodrigues deals with a hiding problem but not with a matching problem.

One skilled in the art looking at Rodrigues in light of Numata, would not be motivated to obtain a color match utilizing the primer + top coat combination as a whole, rather than relying on matching the individual components. In other words to use the **color effect** of the selected colored primer to come to a match.

On the contrary, combining the teachings of Rodrigues and Numata would actually teach away from the present invention. Such a combination would result

in a method of **first** determining a completely matching top coat formulation according to the Numata teachings and, in a **second** step, determining a suitable grey primer as taught in Rodrigues. Such a method is substantially different from the present invention.

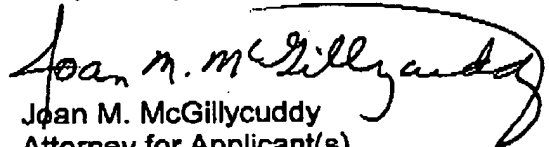
CONCLUSION

As set forth above, neither Rodrigues nor Numata alone or in combination discloses nor suggests the present invention, nor is there a motivation to combine these references with respect to the present invention.

Based on at least the application, and the remarks herein, Applicants maintain it is not obvious in view of the cited prior art documents, either alone or in combination, to come up with the coating composition according to the present invention.

Applicants request withdrawal of the objections and believe the present application to be in condition for allowance, which action is respectfully requested.

Respectfully submitted,


Joan M. McGillicuddy
Attorney for Applicant(s)
Reg. No. 35,608

Akzo Nobel Inc.
Intellectual Property Department
7 Livingstone Avenue
Dobbs Ferry, NY 10522-3408
Tel No.: (914) 674-5463